Mark D. Gibson (*pro hac vice*)
HOLLAND & HART LLP
1800 Broadway, Suite 300
Boulder, CO 80302
Telephone: (303) 473-4837
mdgibson@hollandhart.com

Andrew C. Lillie (*pro hac vice*)
HOLLAND & HART LLP
555 17th Street, Suite 3200
Denver, CO 80202
Telephone: (303) 295-8121
aclillie@hollandhart.com

Shawn T. Welch (7113)
Andrew P. Revelle (18518)
HOLLAND & HART LLP
222 South Main, Suite 2200
Salt Lake City, UT 84101
Telephone: (801) 799-5800
stwelch@hollandhart.com
aprevelle@hollandhart.com

Attorneys for Intervenor–Defendant Anschutz Exploration Corporation

Kathy A.F. Davis (4022)
Roger R. Fairbanks (3792)
Assistant Attorneys General
Utah Attorney General's Office
Sean D. Reyes (7969)
Utah Attorney General
1594 West North Temple, Suite 300
Salt Lake City, Utah 84116
kathydavis@agutah.gov
rfairbanks@agutah.gov

Attorneys for Intervenor–Defendant State of Utah

UNITED STATES DISTRICT COURT
DISTRICT OF UTAH

SOUTHERN UTAH WILDERNESS ALLIANCE, Plaintiff,	**INTERVENOR–DEFENDANTS' JOINT MOTION FOR LEAVE TO FILE SURREPLY**

v. UNITED STATES DEPARTMENT OF THE INTERIOR et al., Defendants, and, ANSCHUTZ EXPLORATION CORPORATION and STATE OF UTAH, Intervenor–Defendants.	Case No. 2:23-cv-00804-TC-DBP Judge Tena Campbell Chief Magistrate Judge Dustin B. Pead

Plaintiff Southern Utah Wilderness Alliance and Federal Defendants have asked the Court to stay this case for 90 days, until September 16, to facilitate settlement discussions. Joint Mot., ECF No. 46. Intervenor–Defendants Anschutz Exploration Corporation ("AEC") and the State of Utah responded that they do not oppose the 90-day stay *on the condition that* the Alliance and Federal Defendants involve them in all settlement discussion and negotiations. Resp., ECF No. 52. In their replies (ECF Nos. 53 and 56), the Alliance and Federal Defendants argue for the first time that AEC and Utah are urging the Court to recognize a novel *right* to participate in their settlement discussions. Because this new argument mischaracterizes AEC and Utah's position, AEC and Utah seek the Court's leave to file a succinct surreply (Exhibit 1) clarifying that they have not claimed a *right* to participate in the ongoing settlement discussions; rather, they have argued that the Court *should*, for pragmatic reasons, allow them to participate to streamline the settlement process. *See Navajo Health Found.—Sage Mem'l Hosp., Inc. v. Burwell*, 110 F. Supp. 3d 1140, 1180 (D.N.M.

2015); *Doebele v. Sprint/United Mgmt. Co.*, 342 F.3d 1117, 1139 n.13 (10th Cir. 2003) (holding that a district court abuses its discretion in relying on "either new legal arguments or new material" in a reply brief without allowing an opportunity to respond to these new arguments or material).

Respectfully submitted,

/s/ Mark D. Gibson
Mark D. Gibson
HOLLAND & HART LLP
1800 Broadway, Suite 300
Boulder, CO 80302
Phone: (303) 473-4837
Email: mdgibson@hollandhart.com

Andrew C. Lillie
HOLLAND & HART LLP
555 17th Street, Suite 3200
Denver, CO 80302
Phone: (303) 295-8121
Email: aclillie@hollandhart.com

Shawn T. Welch
Andrew P. Revelle
HOLLAND & HART LLP
222 South Main, Suite 2200
Salt Lake City, UT 84101
Phone: (801) 799-5800
Email: stwelch@hollandhart.com
aprevelle@hollandhart.com

Attorneys for Intervenor–Defendant Anschutz Exploration Corporation

/s/ Roger Fairbanks
Kathy A.F. Davis
Roger Fairbanks
UTAH ATTORNEY GENERAL'S OFFICE

Attorneys for Intervenor–Defendant State of Utah